

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 13-52477

ANDREW HUNT,

Chapter 7

Debtor.

Judge Thomas J. Tucker

STUART A. GOLD, TRUSTEE,

Plaintiff,

v.

Adv. Pro. No. 14-4489

QUARRY GARDENS, INC.,

Defendant.

**ORDER DENYING PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT, AND
DISMISSING THIS ADVERSARY PROCEEDING, WITH PREJUDICE**

In this adversary proceeding, the Plaintiff Stuart A. Gold, Trustee seeks a judgment against Defendant Quarry Gardens, Inc. in the amount of \$15,042.07 based on a purported "shareholder loan" that Debtor Andrew Hunt made to Defendant Quarry Gardens, Inc., which was not repaid. This adversary proceeding is before the Court on Plaintiff's motion for default judgment (Docket # 19, the "Motion"). The Court will deny the Motion and dismiss this adversary proceeding, with prejudice, for the following reasons.

In the related adversary proceeding *Gold, Trustee v. Hunt*, Adv. Pro No. 13-5237, the Court issued a bench opinion on August 6, 2014, after holding a bench trial. For the reasons stated in that bench opinion, the Court found and concluded that the "shareholder loan" allegedly owing by Quarry Gardens, Inc. to Andrew Hunt actually is not a loan, but rather is deemed to be a capital contribution by Andrew Hunt, so that Quarry Gardens, Inc. owes no debt to Andrew Hunt, or to the bankruptcy estate in Andrew Hunt's Chapter 7 bankruptcy case. This necessarily means that the Plaintiff Trustee's claims against the Defendant Quarry Gardens, Inc. in this adversary proceeding must fail, and that the Plaintiff is entitled to no relief.

Accordingly,

IT IS ORDERED that:

1. The Motion (Docket # 19) is denied.
2. All of the claims in Plaintiff's complaint in this adversary proceeding are dismissed, with prejudice.

Signed on August 6, 2014

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge